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PTO/SB/64 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

113523 (1014-086)

First named inventor: Thomas S. Afferton

Application No.: 09/473,953

Art Unit: 2663

Filed: 29 December 1999

Examiner: Keith M. George

Title: Family Ring Protection Technique

**RECEIVED**

JUL 12 2004

**OFFICE OF PETITIONS**

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1330.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of Reply to Office Action mailed 1 April 2003 (identify type of reply):

has been filed previously on \_\_\_\_\_  
 is enclosed herewith.

B. The issue fee and publication fee (if required) of \$ \_\_\_\_\_.

has been paid previously on \_\_\_\_\_  
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**3. Terminal disclaimer with disclaimer fee**

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

**4. STATEMENT:** The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

2 July 2004

Date



Signature

Telephone

Number: 434-972-9988

Michael N. Haynes

Typed or printed name

1341 Huntersfield Close

Address

Enclosures:  Fee Payment

Keswick, Virginia 22947

Address

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: Certificate of Express Mailing, Credit Card Payment Form, Replacement Fig 1

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

Date

Signature

Type or printed name of person signing certificate



PATENT

Serial No. 09/473,953

Attorney Docket No. 113523 (1014-086)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Thomas S. Afferton  
Serial No. : 09/473,953  
Filed : 29 December 1999  
For : Family Ring Protection Technique  
Art Unit : 2663  
Examiner : Keith M. George

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JUL 12 2004

**OFFICE OF PETITIONS**

**Mail Stop Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT IN SUPPORT OF  
PETITION FOR REVIVAL OF AN APPLICATION  
FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

SIR:

Applicant submits this statement supporting applicant's attached petition for revival of an application for patent abandoned unintentionally under 37 CFR 1.137(b).

1. AT&T Corp. had every intention to file a timely Reply to the 1 April 2003 Office Action for the present application.
2. At the time of receipt of the 1 April 2003 Office Action, the present application was

being handled by outside counsel for AT&T Corp.

3. At the time of receipt of the 1 April 2003 Office Action, AT&T Corp. was in the process of a massive layoff of inside patent counsel and staff whom, under normal circumstances, would be in direct contact with the assigned outside counsel regarding any pending applications, including the present application.
4. During this turbulent time, it was decided by the Patent Department of AT&T Corp. to transfer prosecution of the application to new outside patent counsel, Michael N. Haynes, with instructions to prepare and file a Reply to the 1 April 2003 Office Action, and this decision was communicated to the previously assigned outside patent counsel.
5. Thus, as instructed, the previously assigned outside patent counsel did not prepare a Reply to the 1 April 2003 Office Action for the present application.
6. Yet because of the disruption in AT&T's Patent Department, the decision to transfer prosecution of the present application was not properly communicated to all appropriate remaining AT&T Patent Department staff members, or to Michael N. Haynes, and thus, the application was not properly transferred.
7. Consequently, until the receipt of the 15 January 2004 Notice of Abandonment, AT&T Corp. was under the impression that the application had been properly transferred to Michael N. Haynes and that a timely Reply to the 1 April 2003 had been filed.
8. Upon receipt of the Notice of Abandonment, AT&T Corp. promptly began an investigation of the situation, determined the above facts, and properly transferred the application to Michael N. Haynes, who promptly prepared the attached Reply and this Petition.

**PATENT**

**Serial No. 09/473,953**

Attorney Docket No. 113523 (1014-086)

**CONCLUSION**

It is respectfully submitted that, in view of the foregoing statement, the application as amended is in clear condition for revival and allowance. Issuance of a Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

Michael Haynes PLC

Date: 2 July 2004

  
\_\_\_\_\_  
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